

Serial No. 09/660,027

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-7 (canceled)

- A 1 8. (currently amended) A method for use in connection with a cable modem system having a cable modem terminating system module and a spectrum analyzer each having a communication port, the method comprising the step of searching for a candidate channel having a specified bandwidth within the spectrum allocated for use as upstream channels that are indicated by said spectrum analyzer to have an acceptable noise level over a prescribed period of time The invention as defined in claim 6 wherein said searching step failed to find a channel with an acceptable noise level over said prescribed period, the method further comprising the steps of:  
2 reducing said prescribed period of time; and  
3 repeating said searching step.

Claims 9-22 (canceled)